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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pavel Ivanovich LAZAREV, et al.

Serial No.: 09/485,165⁸

Group No.:

Filed: February 3, 2000

Examiner:

For: LIQUID CRYSTAL DISPLAY

Attorney Docket No.: U 012593-1

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Messrs. Brian Tung & Leonard Smith
PCT Legal Examiners
PCT Legal Office

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21 NOV 2000

Legal Staff
International Division

SUPPLEMENTAL RESPONSE TO DECISION ON PETITION
UNDER 37 CFR 1.47 (A)

The Response to Decision on Petition under 37 CFR 1.47
(a) of October 19, 2000, included the best copy of Exhibit 7
then available.

A better copy of Exhibit 7 is now attached.

Respectfully submitted,

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CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

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☒ deposited with the United States Postal Service
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☐ transmitted by facsimile to the Patent and
Trademark Office

Date: November 2, 2000

JULIAN H. COHEN

(type or print name of person certifying)

Exhibit 7.



19 June, 2000

Dr. Sergei V. BELYAEV
Russia, 141700, Moscow region,
Dolgoprudny, prospect Patsaeva, d.14, kv.77

Re: U.S. Patent Application entitled "Liquid Crystal Display"
Priority Pat. Appl.: #97113277, priority date August 4, 1997, Russian Federation
PCT/ RU98/00250; WO 99/06884
Inventors: Belyaev, Sergei V., Bobrov, Yuri A., Lazarev, Pavel I.

Dear Dr. Belyaev,

We received your correspondence dated May 28, 2000.

As I noted in my previous message, Optiva has applied all efforts to correct the misprint that omitted your names as inventors in the above mentioned PCT applications. The PCT publication is published based on this erroneous information, and it cannot be fixed in the published text now. The Internet copy you are referring to is based on the published notice.

The main purpose for the PCT application is not publication itself. This structure was created to protect your rights for the intellectual property under national Patent laws. As we had already informed you before, all actions to correct these errors for the national patent applications have been taken care of, and we are receiving responses from the national Patent Offices with confirmations of the fixed errors. So, for each country, the complete set of inventors has been filed.

I believe that you have an obvious misreading of the notation from the PCT Office response that the applicants are considered to be the authors in USA only. And hopefully, you realize now the legal situation with Inventors' names for patent application based on the Russian priority patent application.

Regarding the filing of the above-mentioned application to the U.S. Patent Office, you are exactly right, and Optiva should file all signed documents in the nearest future. That was the reason why several months ago you received Declaration and Assignment that was mailed to you by Optiva with a set of other documents relevant to this matter. Unfortunately, we have not received the signed forms from you.

377 Oyster Point Boulevard
South San Francisco, CA 94080
TEL: 1-650-616-7600 FAX: 1-850-616-7602
www.optivainc.com

Re: U.S. Patent Application entitled "Liquid Crystal Display"
June 19, 2000

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Optiva will file Declaration and Assignment with all signatures obtained at the time of the filing. We would appreciate if you would consider providing your signature on those forms being delivered to us in time so that we may include them.

Concerning your proposal, contained in your email message as of April 3rd, 2000, on the financial compensations of the rights' transfer, I would like to be clear in order to avoid any possible misunderstanding in the future.

Optiva will not consider additional payments for patents to which Optiva already has rights.

Those patent applications were created for Optiva. Optiva provided payment to its subcontractor, Quanta Invest, for the work performed and for the patents resulting from that work.

Quanta Invest provided payments to employees and consultants for the work performed, and received the work and the patent rights to the work in turn.

This in no way minimizes the work, or the scientific talent of those, including yourself, who performed the study, which resulted in the patents. On the contrary, I appreciate and admire the level of scientific achievement. Our position is a business matter, and it is merely that after payment in full, no further compensation is due.

We highly appreciate your understanding and hope that you would positively consider signing Declaration and Assignment for the above-mentioned US Patent application.

Very truly yours,



Carl Cobb
President

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